

JOURNAL OF THE HOUSE.

Monday, September 19, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, we pause for a moment of prayer and reflection to think about You, spiritual values and our personal and legislative goals. We believe in the availability of Your assistance which enables us to serve You and the people whom we represent in a thoughtful and generous manner. Your guidance also helps us to keep our priorities clear, our minds open to truth and our plans for the future well being of all people in focus. Teach us to remain faithful to You, and to our constituents who place their trust and confidence in our good, practical and ethical judgement and decisions.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Collective bargaining agreements.

A message from His Excellency the Governor submitting requests (under Section 7 of Chapter 150E of the General Laws) for making fiscal year 2005 appropriations to fund collective bargaining agreements between the Suffolk County Sheriff's Department, the Bristol County Sheriff's Department, the Commonwealth and various unions (House, No. 4368) was filed in the office of the Clerk on Monday, September 19.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Appointments to a Joint Special Commission.

General Court, cable television coverage.

The Speaker announced the appointment of Representatives Petrolati of Ludlow (House Chairman) and Dempsey of Haverhill to the special commission established (under Section 37 of Chapter 45 of the Acts of 2005) to make an investigation and study of the production of cable television coverage of legislative sessions, committee hearings, and other legislative administrative proceedings.

The Speaker also announced that the Minority Leader had appointed Representative Rogeness of Longmeadow to said joint special committee.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Driscoll of Braintree) on the fiftieth anniversary of the Braintree Women's Club;

Braintree Women's Club.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Kristen M. Hughes on receiving the Gold Award of the Girl Scouts of America; and

Kristen M. Hughes.

Resolutions (filed by Mr. Turkington of Falmouth and other members of the House) congratulating the Woods Hole Oceanographic Institution on its seventy-fifth anniversary;

Woods Hole Oceanographic Institution.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 2188) of Stephen M. Brewer (by vote of the town) for legislation to validate the proceedings of the annual town elections in the town of Royalston, was referred, in concurrence, to the committee on Election Laws.

Royalston, elections.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2194) of Robert L. Hedlund, Ronald Mariano and James M. Murphy for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain property in Weymouth to the South Shore Association of Retarded Citizens. To the committee on Bonding, Capital Expenditures and State Assets.

Weymouth, property lease.

Petition (accompanied by bill, Senate, No. 2195) of Michael W. Morrissey and Robert J. Nyman for legislation relative to the sale of unweaned birds. To the committee on Community Development and Small Business.

Unweaned birds, sale.

Petition (accompanied by bill, Senate, No. 2196) of Richard T. Moore and J. James Marzilli, Jr. for legislation relative to the investment of reserves by dental service corporations; and

Dental services.

Petition (accompanied by bill, Senate, No. 2197) of A. Robert Casimiro for legislation to prohibit the acceptance by a bank of foreign documents as a means of identification;

Banks, identification.

Severally to the committee on Financial Services.

Petition (accompanied by bill, Senate, No. 2198) of Gay Guptill for legislation to repeal the clinic access law. To the committee on the Judiciary.

Clinic access law, repeal.

Petition (accompanied by bill, Senate, No. 2199) of Robert L. Hedlund for legislation to prohibit the acceptance by public entities of identity documents that are not secure. To the committee on State Administration and Regulatory Oversight.

Public entities, acceptable IDs.

Petition (accompanied by bill, Senate, No. 2200) of Pamela P. Resor, Cory Atkins and James B. Eldridge for legislation to clarify the scope of existing statutory protection of Commonwealth and municipal property against adverse possession claims. To the committee on the Judiciary.

Adverse possession, claims.

Asian  
American  
Commission.

Petition (accompanied by bill, Senate, No. 2201) of Michael W. Morrissey, Richard T. Moore, Bruce J. Ayers and other members of the General Court for legislation to establish the Asian American Commission of the Commonwealth of Massachusetts. To the committee on Tourism, Arts and Cultural Development.

Abandoned  
vehicles.

Petition (accompanied by bill, Senate, No. 2202) of Robert L. Hedlund and James M. Murphy for legislation to further regulate the disposition of certain abandoned motor vehicles; and

Gold Star  
license  
plates.

Petition (accompanied by bill, Senate, No. 2203) of Michael W. Morrissey for legislation relative to Gold Star license plates;  
Severally to the committee on Transportation.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Employers,  
orders  
and rules.

Petition (accompanied by bill) of Lewis G. Evangelidis and Stephen M. Brewer that the Department of Economic Development be directed to provide employers with copies of certain rules and orders prepared by said department. To the committee on Economic Development and Emerging Technologies.

Eminent  
domain.

Petition (accompanied by bill) of Bradley H. Jones, Jr., and others for legislation to prohibit eminent domain takings for the purpose of economic development; and

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Petition (accompanied by proposal) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development;

Severally to the committee on the Judiciary.

Mattapoisett,  
convey land.

Petition (accompanied by bill) of William M. Straus and others for legislation to authorize the towns of Fairhaven, Marion, Mattapoisett and Rochester to convey certain land to the Mattapoisett River Valley Water District. To the committee on Municipalities and Regional Government.

Children,  
immunization.

Petition (accompanied by bill) of Garrett J. Bradley for legislation to regulate the amount of mercury contained in immunization vaccines administered to certain children. To the committee on Public Health.

Workers  
compensation.

Petition (accompanied by bill) of Michael E. Festa and others relative to the suspension of a license to operate a motor vehicle of persons who fail to carry workers' compensation insurance; and

East  
Bridgewater.

Petition (accompanied by bill) of Kathleen M. Teahan and others for legislation to designate a certain bridge on Route 18 in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge;

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Mr. Linsky of Natick, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill to protect the financial privacy of all employees of non-profit or charitable corporations (House, No. 2119); and

Charitable  
corporations.

Of the Bill to protect employees from unscrupulous employers (House, No. 4343);

Employees.

And recommending that the same severally be recommitted to the committee on Labor and Workforce Development.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill establishing a Massachusetts work-family council (House, No. 4216) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Work-family  
council.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Milford (House, No. 1420); and

Milford.

Bill providing for the disposition of certain property in the town of Upton (House, No. 4333);

Upton.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill establishing the office of finance director in the city of Northampton (House, No. 4186, changed) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Northampton,  
finance  
director.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill creating the military family relief fund (Senate, No. 2009, changed and amended) ought to pass with an amendment.

Military family  
relief fund.

By the same member, for the same committee, that the Bill relative to tax laws (Senate, No. 2156) ought to pass with certain amendments.

Tax  
laws.

By the same member, for the same committee, that the Bill relating to the Reggie Lewis Track at Roxbury Community College (House, No. 1229) ought to pass with an amendment substituting therefor a Bill relative to the Reggie Lewis Track at Roxbury Community College (House, No. 4366).

Reggie  
Lewis  
Track.

By the same member, for the same committee, that the Bill relative to responsible welfare reform (House, No. 4245) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4367).

Welfare  
reform.

By the same member, for the same committee, that the Bill establishing a minimum energy-efficiency standard for certain products (House, No. 4299) ought to pass with an amendment.

Product  
efficiency  
standards.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following Bills ought to pass:

Bourne,  
land  
transfer.

The Senate Bill authorizing the Department of Highways to acquire and transfer certain parcels of land in the town of Bourne (Senate, No. 2078); and

House bills

Erving  
land.

Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Erving (House, No. 1433);

Helen  
Bergman.

Bill authorizing the refund of automobile sales tax to Helen Bergman of Wilmington (House, No. 2313); and

Unemployment  
tax.

Bill relative to state unemployment tax avoidance (House, No. 4342);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Volunteer  
firefighters,  
death  
benefits.

By Mr. Kaufman of Lexington, for the committee on Public Service, on Senate, No. 1413 and House, Nos. 484 and 580, a Bill providing death benefits for volunteer firefighters and other volunteer public safety personnel (House, No. 4369).

Supplemental  
appropriations.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 3844, reports, in part, a Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4370) [Appropriation: \$128,647,422.00; Prior Appropriation Continued: \$37,475,909.00; Total: \$166,123,331.00].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

#### *Emergency Measures.*

Earle  
Bercier,  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Earle Bercier, an employees of the Department of Correction (see House, No. 4056), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Kathleen A.  
Sammataro,  
sick leave  
bank.

The engrossed Bill establishing a sick leave bank for Kathleen A. Sammataro, an employee of the Trial Court (see House, No. 4310), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Sandra Spiros, an employee of the Trial Court (see House, No. 4325), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Sandra  
Spiros,  
sick leave  
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

Engrossed bills

Eliminating maintenance and capital investment funds in the city of Newburyport (see Senate, No. 2135) (which originated in the Senate);

Bills  
enacted.

Relative to living organ donation (see House, No. 476); and

Authorizing the retirement of Zanaida Flores of the Boston Police Department (see House, No. 4120);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

At twenty minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.